

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 20, 2001**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and Connie Hon, Deputy Clerk.

Each of the following:

B138634 D.C.F.S. v. Nellie A.  
B138638 People v. Driscoll  
B138858 People v. White  
B139148 People v. Cleveland  
B139699 People v. Brown  
B139855 People v. Evangelisti  
B139877 People v. Jackson  
B140594 People v. Sanchez  
B140991 People v. Jose R.  
B141128 People v. Pedro M.  
B141743 People v. Cai  
B142118 People v. Mora  
B142631 D.C.F.S. v. Melissa M.  
B142923 People v. Cole  
B143758 People v. Cortez  
B145966 Dora B. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

B136958     Marquay  
              v.  
              Kornfeld

Merits:

Argued by Steven D. Kopald for respondent. No appearance for appellant.  
Counsel waives presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B140346     People  
              v.  
              Villa

Merits:

Argued by Douglas G. Benedon for appellant and by Valerie A. Baker, deputy attorney general, for respondent. Counsel waive presence of Presiding Justice Spencer. Cause submitted.

B145701     Mendez  
              v.  
              Superior Court, Los Angeles County  
              (The People, r.p.i.)

Merits:

Argued by John Hamilton Scott for petitioner and by Shirley S. N. Sun, deputy district attorney, for real party in interest. Counsel waive presence of Presiding Justice Spencer. Cause submitted.

B139935     People  
              v.  
              Salas

Merits:

Argued by Sylvia W. Beckham for appellant and by Scott A. Taryle, deputy attorney general, for respondent. Cause submitted.

B145275     Minor  
              v.  
              Superior Court, Los Angeles County  
              (Noring et al., r.p.i.)

Merits:

Argued by Mark Kane for petitioner and by Larry A. Rothstein for real party in interest. Counsel waive presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B134452 People v. Espino  
B144676 In re Martin Espino on Habeas Corpus

Merits:

Argued by Maxine Weksler for appellant and by Rama R. Maline, deputy attorney general, for respondent. Cause submitted.

B134887 Kotkin and Toch, M.D.'s et al.  
v.  
Greater El Monte Community Hospital, Inc.

Merits:

Argued by Stuart B. Esner for appellants and by James D. Nguyen for respondent. Cause submitted.

B138284 Lallas  
B139053 v.  
Lallas

Merits:

Argued by Tom Lallas for appellant and by Honey Kessler Amado for respondent. Counsel waive presence of Presiding Justice Spencer. Cause submitted.

B134562 Temkin  
v.  
Klein

Merits:

Argued by David Burkenroad for appellant and by Gary Kurtz for respondent. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B141268     People  
              v.  
              Leon

Merits:

Argued by Joanna McKim for appellant and by Michael R. Johnsen, deputy attorney general, for respondent. Counsel waive presence of Presiding Justice Spencer. Cause submitted.

Court adjourned at 11:44 A.M.

B137285     People  
              v.  
              Guterrez et al.

Filed order denying appellant Arias's petition for rehearing.

DIVISION TWO

B140548     Los Angeles County, D.C.F.S.     (Not for Publication)  
              v.  
              Versie B.

The orders under review are affirmed.

Boren, P.J.

We concur:    Cooper, J.  
                  Todd, J.

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## DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur:   Nott, J.  
                      Todd, J.

B135025 People (Not for Publication)  
v.  
Mason

The judgment is modified to strike the \$10,000 parole revocation fine that was imposed and stayed pursuant to section 1202.45. The trial court is directed to prepare an amended abstract of judgment deleting any reference to the parole revocation fine, and to forward the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Cooper, J.

B142238 People (Not for Publication)  
v.  
Orange

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Todd, J.

## DIVISION TWO (Continued)

B140972 People (Not for Publication)  
v.  
Jeremy J.

The judgment is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.  
Todd, J.

B128317 People (Not for Publication)  
v.  
Bradford

The judgment is modified to reflect a restitution fine pursuant to Penal code section 1202.4, subdivision (b) in the amount of \$10,000. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification and to reflect that appellant was convicted in count 3 of assault with a firearm in violation of Penal Code section 1245, subdivision (a) (2). The trial court is further directed to forward copies of the amended abstract to the Department of Corrections.

Nott, Acting P.J.

We concur: Cooper, J.  
Todd, J.

B138909 People (Not for Publication)  
v.  
Robins

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Todd, J.

## DIVISION TWO (Continued)

B136308 People v. Jensen (Not for Publication)

Appellant's sentence is modified to reflect the agreed-upon term of four years four months. In all other respects, the judgment is affirmed. The clerk of the court is to correct the abstract of judgment and notify the Department of Corrections of the modification.

Nott, Acting P.J.

We concur: Cooper, J.  
Todd, J.

DIVISION FOUR

B138230 People (Not for Publication)  
v.  
Jones

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B136792 People v. Jennings (Not for Publication)

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

## DIVISION FOUR (Continued)

B142445 People (Not for Publication)  
v.  
Luis V.

The maximum confinement period is reversed. The matter is remanded with directions to declare on the record whether the burglary offense was a felony or misdemeanor and to recalculate that period accordingly, with the restriction that the maximum confinement period cannot exceed three years and two months. In all other respects, the order is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B141109 People (Not for Publication)  
v.  
Natacha A.

The order of wardship is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B139107 People (Not for Publication)  
v.  
Diaz

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.



DIVISION FIVE

B140973      Indiana Retana                      (Not for Publication)  
                 v.  
                 Estee Lauder et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                 Grignon, J.

DIVISION SIX

B139416      People                                      (Not for Publication)  
                 v.  
                 Sanders

The judgment is affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.

B141426      People                                      (Not for Publication)  
                 v.  
                 Tovar

The judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Yegan, J.

February 20, 2001-Continued

## DIVISION SIX (Continued)

B139758 People (Not for Publication)  
v.  
Solis

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B139933 People (Not for Publication)  
v.  
Bayles

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

## DIVISION SEVEN

B135689 Bank of Tokyo-Mitsubishi, Ltd. (Not for Publication)  
v.  
Hassen Imports Partnership et al.

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

DIVISION SEVEN (Continued)

B136181      Lana Morey et al.                      (Not for Publication)  
                 v.  
                 Twentieth Century Fox Federal Credit Union

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur:   Johnson, J.  
                 Woods, J.

B130044      Joanne Bragg                                      (Not for Publication)  
                 v.  
                 Hawthorne Savings & Loan Association

The judgment is affirmed. The order denying Hawthorne's motion for attorneys' fees is reversed, and this matter is remanded for a determination of Hawthorne's reasonable attorneys' fees. Hawthorne is to recover its costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                 Woods, J.

DIVISION SEVEN (Continued)

B142498      Los Angeles County, D.C.S.      (Not for Publication)

v.

Santiago H.

B145244      In re Santiago H., on Habeas Corpus

The relief is granted on the petition for habeas corpus as follows: The superior court shall vacate its: (1) order of June 26, 2000, terminating Petitioner's parental rights to minor Joseph H.; and (2) orders of January 6, 2000, terminating reunification services for petitioner and setting case number CK31600 for a section 366.26 hearing. The superior court is further directed to issue a new and different order: (1) requiring the DCFS to provide additional reunification services to petitioner as to the minor Joseph H., for a period of six months commencing on the date of finality of this decision as to this court; and (2) setting a hearing, on a date no sooner than six months following the date of finality of this decision, to determine whether minor Joseph H. is to be returned to petitioner's custody. Such hearing shall be conducted substantially in accordance with the procedures set forth in section 366.22. The appeal is dismissed as moot.

Woods, J.

We concur:    Lillie, P.J.  
                     Johnson, J.